

Planning Commission Public Hearing
Staff Report
April, 19, 2007



Case:	1-16-06, Street Closure Request
Location:	Section of Cedar Creek Connector at Bardstown Rd`
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engle
Applicant:	Lighthouse Christian Center by Reverend JP Fugate
Case Manager:	Doris J. Heyman, Associate Planner

Request

The applicant requests to close a section of Old Cedar Creek Connector from its western intersection with Bardstown Road, running west 316.87, containing 9,316 square feet and being in Louisville Metro.

Staff Recommendation

Staff recommends **APPROVAL** of the closure request, subject to all conditions of approval as listed in this report. The applicant has agreed to provide easements to MSD, and a bond with construction plans to Louisville Metro Public Works Department

Case Summary/Background

Summary

The proposed closure of Cedar Creek Connector is located between two Lighthouse Christian Center (Church) owned properties at 7706 and 7710 Bardstown Road. The Kentucky Department of Highways relocated Cedar Creek Road further north at Bardstown Road to accommodate high traffic volumes and to create a safer traffic design/flow to Bardstown Road. A guardrail was placed midway the length of the original Cedar Creek Connector to prevent traffic from using road as a bypass to the relocated Cedar Creek Road. The Connector is paved and connects the Church parking lot to the Church and its sanctuary. The guard-rail bi-sects the Connector at the Church property. The balance of the original Cedar Creek Connector is not subject to this request and serves as frontage for several single family residential property. Mike Schmidt of the Fern Creek Fire Department has stated "...this section of Cedar Creek Road has been closed off by a guard-rail for as long as I can remember and used as a parking lot for the Church. The Fire department has adequate access to the properties in the rear of this location. It would not cause the fire department any access problems to officially declare the proposed section of Cedar Creek closed."

AGENCY COMMENTS:

Fern Creek Fire Protection – No objection
Air Pollution Control District - No objection
BellSouth- No objection
MSD – No objection/ **on condition easement is granted**
Louisville Gas & Electric- No objection
Planning & Design Services Addressing – No objection
Metro Health Department- No objection
Louisville Water Company – No objection
Public Works – No objection; **provide bond and construction plans**
Historic Preservation - No objection
TARC- No objection

Site Context

The section of Cedar Creek Connector proposed for closure is located in the Neighborhood Form District. The site is an existing church zoned R-4 Single-Family Residential. Access for adjoining properties with Cedar Creek frontage will be maintained because the closure request does not include any portion of Cedar Creek Connector beyond the Church properties at 7706 & 7710 Bardstown Road

Land Use / Zoning District / Form District

	Land Use	Zoning	Form District
<i>Subject</i>			
Existing	Single Family Residential	R-4	Neighborhood
<i>Surrounding</i>			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	R-4	Neighborhood

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation; sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Staff Findings

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)

The site lies within the Neighborhood form district. Neighborhood form districts are generally characterized by a range of low to medium density residential uses. Higher densities may be permitted when open space, appropriate housing or economic development goals are met. Existing developed neighborhood form districts should be maintained in their current form.

Relationship to Comprehensive Plan

Cornerstone 2020 - Policies Addressed in Plan

<i>Policy</i>	<i>Description of policy</i>	<i>Comments</i>
<i>C2.4</i>	Access and Circulation Connected Network of Streets/Street Pattern	Access provided from Bardstown Road and Cedar Creek Connector

1. Mobility/Transportation

a. Circulation & Transportation Facility Design:

Access to the adjacent properties is achieved from the Bardstown Road frontage and from the section of Cedar Creek Connector not proposed for closure. Transportation Plan Review has indicated that the proposed closure requires submittal of a bond and construction plans.

Technical Items to be Addressed on Plat

1. List easements and conditions to be granted on face of the plat
2. List the applicant with a name and complete address.
3. Construction plans and bond submitted to Louisville Metro Works Department

Standard of Review

1. The considerations for closure of a street are: Adequate Public Facilities: Whether and the extent to which the request would result in demand on public facilities and services (both on site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right of way shall be approved where an identified current or future need for the facility exists.
2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.
3. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan.

4. Other Matters- Any other matter which the Planning Commission may deem relevant and appropriate.

Attached Documents / Information

1. Site location map

Standard Conditions of Approval

1. The closure shall be in accordance with the approved closure plat and agreed upon conditions of approval unless amended by the Planning Commission.
2. All necessary easements are granted or measures must be taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.
3. The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement.

All conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Notification

Date Sent	Description	Recipients
03/22/07	Notice of Public Hearing mailed	Adjacent property owners
03/26/07	Legal ad placed in Courier Journal and sign posted on subject property	General Public



